

REMARKS

Applicants thank Examiner Stace for his courtesy during the interview of February 19, 2009, in which the below-mentioned prior art references were discussed in relation to this application. The substance of the interview is made of record in this Amendment.

By this Amendment, Applicants have amended claims 1, 8, 12, 19, 23, and 30. These amendments are made solely to expedite the prosecution of this application, and without prejudice or disclaimer. No new matter has been introduced. Claims 1-33 are currently under examination.

In the Final Office Action mailed January 28, 2009¹, claims 1-5, 7-16, 18-27, and 29-33 were rejected under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 6,453,038 to McFarlane et al. ("*McFarlane*") in view of U.S. Patent No. 6,128,380 to Shaffer et al. ("*Shaffer*"), and claims 6, 17, and 28 were rejected under 35 U.S.C. § 103(a) as being allegedly obvious over *McFarlane* in view of *Shaffer*, and further in view of U.S. Patent No. 6,901,380 to Bremers ("*Bremers*").

Applicants respectfully traverse the rejections of claims 1-33 under 35 U.S.C. § 103(a), because the Final Office Action did not properly resolve the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective analysis of obviousness. See M.P.E.P. § 2141(II), 8th ed., rev'd Sep. 2007, citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

reiterated by the U.S. Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). Specifically, the Final Office Action did not properly ascertain the scope and content of the *McFarlane*, *Shaffer*, and *Bremers* references, and failed to recognize significant differences between the teachings of the cited prior art references and claims 1-33 as amended.

Several basic factual inquiries must be made in order to determine the obviousness or non-obviousness of claims of a patent application under 35 U.S.C. § 103. "As reiterated by the Supreme Court in [*KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007)], the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries. The factual inquiries enunciated by the Court" include, *inter alia*, determining the scope and content of the prior art and "[a]scertaining the differences between the claimed invention and the prior art" M.P.E.P. §2141(II).

The Final Office Action correctly concluded that *McFarlane* fails to teach "selectively synchronizing routing logic of a routing system with skill-based information from the first profile in the central skill database ..., wherein the synchronizing is independent of the updating," as recited in claim 1. Final Office Action, at 5. To address this deficiency in the disclosure of *McFarlane*, however, the Final Office Action asserted that *Shaffer* teaches this recitation. Applicants respectfully disagree.

Shaffer is directed to a system of call center management, where information is collected regarding agents and incoming calls, and agents are given appropriate skill training to improve the effectiveness of the call center. See *Shaffer*, Abstract, 3:12-42,

et seq. The portions of *Shaffer* cited in the Final Office Action discuss a process of providing agents with a program of training courses. *Shaffer*, 5:56 - 6:3. Once an agent completes a training course, "the training system works in tandem with the skills-based routing system to redefine the queues and agent groups." *Shaffer*, 6:13-15. As *Shaffer* makes clear, agents' resumes are updated "automatically." *Shaffer*, 4:19-24; 6:1-3 (emphasis added). This stands in contrast to claim 1 as amended.

Claim 1, as amended, recites in part:

selectively synchronizing routing logic of a routing system, wherein the routing system comprises a routing database, with skill based information from the first profile in the central skill database such that the routing logic determines which of the plurality of agents are to handle a contact based on at least skill data, wherein the synchronizing is independent of the updating, and the central skill database is separate from the routing database.

As the specification of the present application observes, it is beneficial to "centralize the rating information for a group of agents outside of CTI or ACD hardware and software because CTI and ACD systems necessarily use and restrict access to internal data in order to optimize real-time management and routing of telephone calls" (emphasis added). See ¶ 0011. Accordingly, in claim 1, routing logic is "selectively synchroniz[ed] ... with skill-based information ..., wherein the synchronizing is independent of the updating, and the central skill database is separate from the routing database." The system of *Shaffer*, on the other hand, "automatically" updates agents' profiles whenever new information - such as information regarding completion of a

training course - is acquired. This is a significant difference because, while such a system may operate adequately in a call center with a small number of agents, a low call volume, and infrequent updates for agents' profiles, it would be highly problematic in a large, high-volume call center, in which agents' profiles are regularly updated to reflect their ever-changing capabilities. In the latter type of call center, frequent interruptions to the call routing system would significantly degrade the effectiveness of the call center in processing and routing calls based on agents' profiles.

Moreover, interruptions to the call routing system due to updates to agents' profiles is a problem in the art not even recognized in the disclosure of *Shaffer*. Indeed, because *Shaffer* calls for agents' profiles to be "automatically" updated when new information is acquired, rather than "selectively synchronized ... wherein the synchronizing is independent of the updating," *Shaffer* teaches away from the present invention. See M.P.E.P. § 2141.02(VI) ("[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.") (citation omitted) (emphasis in original). The present invention, as claimed in amended claim 1, presents a nonobvious solution to this little-recognized problem by "selectively synchronizing routing logic of a routing system with skill-based information from the first profile in the central skill database ... wherein the synchronizing is independent of the updating and the central skill database is separate from the routing system."

Applicants therefore respectfully submit that, because the Final Office Action did not identify a prior art reference that teaches or suggests at least the above recitations from claim 1, the Final Office Action failed to properly determine the scope and content

of, or ascertain the significant differences between, the alleged prior art and claim 1. For at least the reasons discussed above, independent claim 1, and claims 2-7 which depend therefrom, are nonobvious under 35 U.S.C. § 103(a) over the cited prior art references. See M.P.E.P. § 2143.04 ("[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious."). Additionally, claims 2-7 are nonobvious because they recite additional features not taught or suggested by the cited prior art. Applicants therefore request that the rejections of claims 1-7 be withdrawn and the claims allowed.

In addition, although of different scope, independent claims 8, 12, 19, 23, and 30 recite features similar to those discussed above with respect to claim 1, and are allowable for similar reasons. In particular, claim 8 recites in part:

maintaining source data in a routing system for the contact center, wherein the routing system comprises a routing database, ... and selectively updating the source data ... wherein the updating the source data is independent of updating the plurality of profiles, and wherein the central skill database is separate from the routing database.

Similarly, claim 12 recites in part:

a synchronization module for selectively synchronizing routing logic of a routing system, wherein the routing system comprises a routing database, ... wherein the synchronizing is independent of the updating, and the central skill database is separate from the routing database.

Likewise, claim 19 recites in part:

a source data module for maintaining source data in a routing system for the contact center, wherein the routing system comprises a routing database, ... wherein the updating the source data is independent of updating the plurality of profiles and the central skill database is separate from the routing system database.

Claim 23 recites in part:

a code segment for selectively synchronizing routing logic of a routing system, wherein the routing system comprises a routing database, ... wherein the synchronizing is independent of the updating and the central skill database is separate from the routing database.

And claim 30 recites in part:

a code segment for maintaining source data in a routing system for the contact center, wherein the routing system comprises a routing database, ... wherein the updating the source data is independent of updating the plurality of profiles and the central skill database is separate from routing database.

For at least the reasons discussed above with respect to claim 1, the cited prior art references also fail to teach or suggest these recitations of independent claims 8, 12, 19, 23, and 30, and therefore these claims are nonobvious as well. Accordingly, Applicants respectfully ask that the Section 103(a) rejections of claims 8, 12, 19, 23, and 30 be withdrawn and the claims allowed. Additionally, claims 9-11 depend from nonobvious claim 8, claims 13-18 depend from nonobvious claim 12, claims 20-22 depend from nonobvious claim 19, claims 24-29 depend from nonobvious claim 23, and

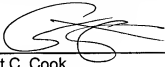
claims 31-33 depend from nonobvious claim 30. Applicants therefore request that the rejections of these dependent claims be withdrawn and the claims allowed, both because they depend from nonobvious independent claims and because they recite additional features not taught or suggested by the cited prior art. Consequently, Applicants respectfully submit that claims 1-33 are in condition for allowance, and request that the Section 103(a) rejections of these claims be withdrawn and the claims timely allowed.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 13, 2009

By: 
Elliot C. Cook
Reg. No. 61,769
(571) 203-2738